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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,454	11/03/2000	Kevin Negus	034421-097	6386

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Thelen Reid & Priest LLP
P O Box 640640
San Jose, CA 95164-0640

EXAMINER

TRAN, THIEN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 04/09/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,454

Applicant(s)

NEGUS, KEVIN

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 17, the limitation "a third circuit to indicate to the transmitter units which do not fall with the transmitting characteristic which slots are available aside from those assigned to the transmitter having the transmitting characteristics" is not disclose in the specification to help one of ordinary skill in the art understanding.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, the limitation "a third circuit to indicate to the transmitter units which do not fall with the transmitting characteristic which slots are available aside from those assigned to the transmitter having the transmitting characteristics" is confused. It is not clear as to whether the transmitter units do not fall into the transmitting characteristics and the transmitting units having transmitting characteristics are the same transmitter units.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being participated by Rypinski (U.S Patent No.5,461,627).

Regarding claims 1, 7 Rypinski discloses a method of operating a wireless communication system comprising:

in a hub controller (controller), receiving requests from stations (streaming data contention-window slot assignment requests from streaming transmitter units), (see col.13 lines 60-65) ;

in the hub controller, transmitting a grant (assigning contention-window slot numbers to the requesting streaming transmitter units), (see col.13 lines 60-65);

in the hub controller, broadcasting a message (sending an indication) to inform all the stations (including other transmitter units) a status of slots (contention-window slots) as to whether they are available or reserved, (See col.2 lines 45-65);

in the contending stations (other transmitter units), using a randomly available slot (contention-window slot) to transmit requests, wherein the available slots different from the reserved slots (contention window slot is selected from contention-window slots other than the reserved slots). See figure 1, col.2 lines 40-65.

Regarding claims 2, 8, Rypinski discloses that the indication of the available contention-window slots is an indication of the first unassigned slot. See col.2 lines 40-65.

Regarding claim 3, Rypinski discloses that the randomly selected slot is selected from slots (including the slot of greater than or equal to the first unreserved slot. See col.2 line 10-35.

Regarding claims 4, 5, 9, 10, Rypinski discloses that the streaming data is from computer or mobile phone (audio data or video data). See figure 1.

Regarding claims 6, 11, Rypinski discloses that the number of assigned contention window slots is limited. See col.3 line 15.

Regarding claim 12, 16, Rypinski discloses a wireless communication system comprising:

an access point of a HUB controller (transmitter unit) wirelessly transmitting data to a dumb receiver unit (see col.13 lines 15-20);

one of stations in figure 1 being not in a status entry of access point (dumb receiver) adapted to receive a Poll message (data) from the HUB controller, the station not being able to ACK back to the access point of the HUB controller until a later Poll message (not adapted to send an acknowledgement signal to the transmitter unit), (see col.13 lines 40-45)

one of the station in figure 1 being in the status entry (surrogate unit) adapted to respond with ACK message with feedback to the Poll message, note that the Poll message is broadcasted to all the stations including the one of station not being in the status entry (acknowledge the reception of data the dumb receiver unit), (see col.13 lines 25-30).

Regarding claims 13, 14, Rypinski discloses that there are multiple stations not being in the status entry (dumb receiver units). See figure 1.

Regarding claim 15, Rypinski discloses that a computer (surrogate unit) is a control unit for the system. See figure 1.

Regarding claim 17-22, Rypinski discloses a hub controller (base station) for a wireless network comprising:

a hub controller (first circuit) for receiving radio frequency message from transmitter units (see col.13 lines 60-65) ;

a hub controller (second circuit) for assigning slots to transmitter based upon the transmitting characteristics of the transmitter (see col.13 lines 60-65);

a hub controller (third circuit) to indicate to the transmitter units which do not fall with the transmitting characteristic which slots are available aside from those assigned to the transmitter having the transmitting characteristics. See col.2 lines 45-65

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

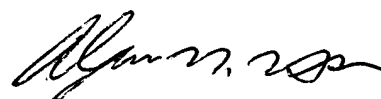
9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



**ALPUS H. HSU
PRIMARY EXAMINER**